

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.

Constt: Pett: No.D- 1721 of 2011.

Date	Order with signature of judge.
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- 1.For orders on M.A No.2224 of 2015.
- 2.For Katcha Peshi.
- 3.For Hearing of M.A No.4400 of 2011.

07.05.2015.

Mr. Ghulam Ali A. Samtio, advocate for the petitioner.

Mr. Munwar Ali Abbasi, Asstt: A.G.

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Petitioner has sought regularization of his service as Junior Clerk (BPS-07) in the office of Executive District Officer Revenue, Kamber Shahdadkot (now Commissioner Larkana Division, Larkana).

The facts giving rise to claim of the petitioner are that the petitioner is a graduate from Shah Abdul Latif University, Khairpur. By a letter dated 15.11.2010, he was appointed as Junior Clerk on CPS/daily wages at the rate of Rs.272/= per day in the office of Executive District Officer (Revenue) Kamber Shahdadkot, Kamber by his office order No.Estt/1536 dated 15.11.2010. Since 2010, he is performing duties satisfactorily and there is hardly any complaint against him. However, he has recently been harassed by the respondents No.3 and 4 that some other person under influence of ruling party would be adjusted in place of the petitioner.

The respondents were put on notice who filed their comments on 06.11.2014 in which they have hardly disputed any fact of the petition.

We have heard learned counsel for the petitioner and Asstt:A.G.

The petitioner's counsel has contended that the respondents have already regularized their employees working on daily wages purely on the ground that the work assigned to them is of permanent nature. However, in some of the cases when the respondents refused for regularization of daily wages employees such employees filed identical petitions and on the direction of this Court they have been regularized. His only grievance is that by not regularizing the petitioner, despite being in service for last five years, he is under constant threat and harassment of being removed from service at any point of time and claim similar treatment by respondents by invoking the provision of Constitution of Islamic Republic of Pakistan. The petitioner has placed reliance in judgment of Division Bench of this Court in C.P No.D-458 of 2011 wherein five petitioners against the present respondents in similar circumstances claimed regularization of their services. He has placed certified copy of the order in C.P.No.D-458 of 2011 wherein the Division Bench has referred to several other identical petitions in which this Court time and again pleased to direct the respondents to regularize the services of daily wages employees as the vacancy continues on which they have been put in service for several years in the same office. In the said judgment findings of Division Bench are also supported by the order of the Apex Court in Civil Petition No.433-K and 434-K of 2010 which is worth to reproduce here as under:

“As the respondents have been working on the permanent/vacant posts since 2006; meet the required criteria for appointment and the petitioners have no complaint against them, the listed petitions have no merits to call for interference by the Court in the impugned orders and as such the same are dismissed and leave to appeal is refused.”

Learned Asstt: A.G had no answer to the above position and he has only requested for time.

This petition is pending for last four years and a very small issue is involved, therefore, any further time would only amount to delaying justice and defeating justice by further delay in addressing the grievance of the petitioner.

Crux of the above discussion is that the petition is allowed. The respondents are directed to regularize the services of the petitioner within 15 days from today and submit compliance report to this Court through Additional Registrar of this Court.

JUDGE

JUDGE

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